

## REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

The claims have been rejected as being anticipated by, or obvious in view of the Froehlich reference. The Applicant respectfully traverses these rejections.

The present invention pertains to the embodiment of the invention shown in Fig. 5. This figure shows a breathing apparatus with a blower providing air through a conduit and a mask to a patient or subject. Importantly, in this embodiment, the air pressure and the airflow are measured not adjacent to the mask, but at a distant end of the conduit near the blower. The device further includes an exhaust airflow from the mask. The mask pressure is estimated from the pressure at the blower (or, at the distal end of the conduit) and the pressure drop in the conduit. This mask pressure is then used to determine the exhaust airflow. The leak is also determined from low pass filtering of the mask airflow and used to define the respiratory airflow.

The Froehlich reference is deficient in that it does not take into consideration the exhaust airflow and, accordingly, its determination of the respiratory airflow is inaccurate. Moreover, the Froehlich reference is also deficient in that it fails to provide a practical means of determining leakage. As explained above, and described in the specification, preferably leakage is determined by performing a low pass filtering of the mask airflow. In the Froehlich reference, the leakage is considered to be only the DC component of the airflow. Clearly, this is an inadequate means of measuring leakage.

It is respectfully submitted that the subject application is now in condition for allowance, and accordingly, a relatively early notice of allowance is requested.

Respectfully submitted  
Gottlieb, Rackman & Reisman, P.C.

Dated: January 19, 2005

By:



Tiberiu Weisz  
Attorney for Applicants  
Registration No. 29,876